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ABSTRACT

The role of the building principal has evolved from that of a teaching principal with primary duties as an instructional leader to that of a manager of a complex organization. Changes in the legal status of the principal during the past five years are presented here through an examination of litigation and legislation which have altered the principal's duties and responsibilities, due process rights, collective bargaining rights, and certification requirements. The paper contends that the legal status of the principalship has indeed changed and that the role of the principal will continue to alter as it is shaped by future litigation and legislation. (Author)

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LITIGATION, LEGISLATION AND THE PRINCIPAL

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LITIGATION, LEGISLATION AND THE PRINCIPAL

The role of the building principal has evolved from that of a teaching principal with primary duties as an instructional leader to that of a manager of a complex organization. This evolutionary process has occurred over many decades following changes in American society, politics, and economics. These forces continue to shape the educational system through influencing legislation and judicial decisions which in turn have had an impact on educational policy. References are made in this paper to early cases which have led to changes to the administration of education; the focus is, however, on legal decisions and legislation during the past five years which have had an impact on the role of the principal.

Overview

Public education has been greatly affected by judicial decisions and legislative mandates of the past decade. Traditionally able to establish individual systems of public schools free from extensive federal involvement, state legislatures and local boards of education have more recently had to respond to an increased judicial and legislative interest in many aspects of educational policy making. Beginning with the U.S. Supreme Court's recognition of the importance of educational opportunities for all children in the landmark Brown[1] decision, educational decision-making has been affected by judicial decisions in other areas such as student discipline[2], state-local

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[1] Brown v. Board of Education of Topeka, 347 U.S. 483, 1954.

[2] Tinker v. Des Moines Independent School District, 393 U.S. 503, 1969; and Goss v. Lopez, 419 U.S. 565, 1975.

finance schemes[3], curriculum[4], and teacher academic freedom[5]. Moreover, actions of school officials have been influenced by recent legislation affecting civil rights of both students[6] and teachers[7], access to students' records[8], and rights of handicapped children[9].

Local school boards of education and administrators have responded to such decisions and statutes in varying degrees, ranging from evasion to total compliance. School officials have resisted mandates to desegregate, to provide bilingual instruction, and to provide access to programs for handicapped students. In addition, teachers' and students' rights to free expression and due process have been denied[10]. Nevertheless, it is apparent

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[3]Litigation in many states has followed the California Supreme Court's ruling in Serrano v. Priest (96 Cal. Rptr. 601, 1971) which declared that state's school finance system to be unconstitutional.

[4]For example, Lau v. Nichols, 414 U.S. 563, 1974.

[5]Pickering v. Board of Education, 391 U.S. 563, 1968.

[6]Title VI, Civil Rights Act of 1964; Title IX, Education Amendments of 1972.

[7]Title VII, Civil Rights Act of 1964.

[8]Family Educational Rights and Privacy Act of 1974.

[9]Education for All Handicapped Children Act of 1975 (P.L. 94-142).

[10]Discussions of the response of school officials to Supreme Court decisions are provided by Stephen L. Wasby, The Impact of the United States Supreme Court: Some Perspectives, Homewood, Illinois: Dorsey Press, 1970; and by Raphael O. Nystrand and W. Frederick Staub, "The Courts as Educational Policy Makers," in Clifford B. Hooker, ed., The Courts and Education: The Seventy-Seventh Yearbook of the National Society for the Study of Education, The University of Chicago Press, 1978, pp. 27-53.

that decisions which have directed attention to inequities in existing policies often encourage or mandate federal, state and local officials to enact or revise legislation or regulations.

It is felt by many school boards and administrators that their power to manage school programs has been seriously undermined by litigation in the late 1960's. The building principal's authority in regulating students' dress and appearance, underground publications, and association was greatly affected by cases which followed the landmark holding of the Supreme Court in Tinker v. Des Moines Independent School District. The majority opinion in Tinker addressed the scope of administrative authority:

> In our system, state operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students . . . . In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views . . . school officials cannot suppress "expressions of feelings with which they do not wish to contend." [11]

Prior to Tinker, nearly all challenges to the disciplinary authority of school administrators were litigated in state courts. Relying on statutory and common law grounds, state courts almost invariably ruled in favor of school authorities and against objecting students[12]. Litigation following Tinker had an immediate impact upon the school principal's authority to discipline pupils.

It is clear that the authority of school officials, and of the building principal in particular, has been affected during the past few decades by

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[11] 393 U.S. 503, 1969; quote at 511.

[12] Kirp, David L. and Mark G. Yudof, Educational Policy and the Law, Berkeley: McCutchan, 1974, p. 137.

judicial decisions and legislative acts. The purpose of this paper is to present recent legislation[13] and litigation which have affected the role of the building principal by clarifying or defining legal status, duties and responsibilities, due process rights, collective bargaining rights, and certification requirements and in-service training.

Legal Status

In 1971, the National Association of Secondary School Principals conducted a survey of state statutes in an attempt to define the legal status of the building principal. The legally recognized position of the principal at that time was reported as follows: (1) "the essentials of legal status" had been attained in eight states plus the District of Columbia, (2) the principal was often mentioned with regard to specific duties and responsibilities in six states, (3) the principal was occasionally mentioned with regard to specific duties and responsibilities in 18 states, and (4) the principal was not a legal entity (i.e., was covered under the term "teacher") in the remaining 18 states.[14]

A 1976 update[15] of that survey revealed that a total of twenty-four states and the District of Columbia provide "at least the basic essentials of legal identity for the principalship" through statutes or "administrative

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[13]Legislation reviewed was derived principally from references to statutes reported during 1973-1977 to the Education Commission of the States.

[14]Thomas W. George, "The Role of the Principal: Legal Status in the U.S.," NASSP Bulletin (May 1971), pg. 145.

[15]"Statutory Protection for Principals," A Legal Memorandum, National Association of Secondary School Principals, November 1976.

rules with the force of law" (see Category A of Table I). School codes of five additional states (Category B) designate specific duties and responsibilities, but "fall short of clearly providing him with a separate legal identity." The principal is occasionally mentioned with regard to specific duties and responsibilities in twelve additional states (Category C). Nine states (Category D) were identified in 1976 in which the principal had not "attained legal status or identification."

TABLE I. Legal Status of the School Principal

CATEGORY A (25)

California	Iowa	New Jersey	New Mexico
Colorado	Kansas*	New York*	Virginia
District of Columbia	Massachusetts	North Carolina	Washington**
Hawaii	Michigan	North Dakota	West Virginia
Indiana	Minnesota	Rhode Island*	Wisconsin
Illinois	Mississippi	Tennessee	
	New Hampshire*	Texas	

*Administrative rules with the force of law
**Both administrative and statutory provisions

CATEGORY B (5)

Florida	Maryland	Nevada	Ohio	Pennsylvania

CATEGORY C (12)

Arizona	Missouri	Oklahoma	South Dakota
Georgia	Montana	Oregon	Vermont
Louisiana	Nebraska	South Carolina	Wyoming

CATEGORY D (9)

Alabama	Connecticut	Kentucky
Alaska	Delaware	Maine
Arkansas	Idaho	Utah

Source: "Statutory Protection for Principals," A Legal Memorandum, National Association of Secondary School Principals, November 1976.

The transition of ten states into Category A between the 1971 and 1976 surveys is indicative of actions of state legislatures to more clearly define the legal status of the building principal. The need to recognize the uniqueness of the principal's role and to outline the powers and duties of building principals is apparent in the introduction to a 1978 bill in New York State and in the preamble of a 1974 Florida statute. The New York bill stated:

> It is the intent of the legislature to insure that schools respond efficiently and effectively to the changing needs of New York state's students. The legislature believes that the building principal plays a pivotal role in the determination of school responsiveness to student needs. It is, therefore, important that the role of the building principal be defined.16

The Florida statute was introduced by the following preamble:

> WHEREAS, there is no specific statute that outlines the duties of a public school principal, and WHEREAS, as a result of the increased possibility of collective bargaining by teachers there is a need for a clearcut legal status for public school principals which identifies principals' administrative responsibilities in addition to instructional duties, and WHEREAS, there has been an alarming increase in litigation directed at public school principals regarding principals' rights and authority in performing their duties in administering the operation of the public schools, NOW, THEREFORE...17

This recognition of the unique role of the principal is in part a reaction to the very rapid building of a bureaucracy of administrative support positions (e.g., assistant principals, department chairpersons, counselors, psychologists, program coordinators, project directors, etc.) during the past few decades. The need to establish the legal status of the principal and to define specific duties, as distinguished from those of the

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[16] NYS, AB 9868, 1978.

[17] Florida, Laws 1974, c. 74-315.

superintendent and teachers, is apparent. Rather than encourage the replacement of the principal by a team of curriculum specialists and other professionals, legislators in many states have legally recognized the role of the principal. Additional evidence of the movement toward defining the legal status of the principal is presented in the discussion of "duties and responsibilities" and "collective bargaining rights."

Duties and Responsibilities

Both certified and non-certified public school personnel must perform their responsibilities under the control and direction of the local school board, in conformity to such lawful rules and regulations as the board may adopt or as may be imposed by statute.[18] Among the powers and duties of a school board in North Dakota, for example, is the following:

> To ... assign said principal the responsibilities of administration, supervision, and the development of the educational programs of one or more buildings or attendance units within that public school district.19

This general statement of a principal's responsibilities in North Dakota is contrasted by the specificity of duties of principals outlined by a 1974 Tennessee statute:

> (a) To supervise the operation and management of the personnel and facilities of the school or schools of which he is principal as the local board of education shall determine.
> (b) To assume administrative responsibility and instructional leadership under the supervision of the superintendent and in accordance with the written policies of the local board of education for the planning, management, operation, and evaluation of the educational program of the schools to which assigned.

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[18] 78 C.J.S. 1193, §237

[19] North Dakota Statutes, 15-29-08.

(c) To submit recommendations to the local superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or schools under his care.
(d) To perform such other duties as may be assigned by the superintendent pursuant to the written policies of the local board of education.
(e) To observe all other rules and regulations relative to the operation of public schools as established by law and as contained in the rules, regulations and minimum standards of the state board of education.20

Similarly, New Mexico statutes list the following specific duties of principals in addition to duties of all certified school personnel:

A. assuming administrative responsibility and instructional leadership, under the supervision of the local superintendent of schools, with regard to the discipline of students and the planning, operation, supervision and evaluation of the educational program of the school to which he is assigned;
B. submitting recommendations to the local superintendent concerning evaluation, promotion, transfer and dismissal of all personnel assigned to the school to which he is assigned; and
C. performing any other duties assigned him by the local superintendent pursuant to local school board policies.

Nothing in this section shall be construed as a limitation on the powers, duties and obligations of a local school board.21

The responsibility of the building principal for the maintenance of student discipline was clarified in two recent U.S. Supreme Court decisions. The principal's duty to provide due process prior to suspending students was outlined in Goss v. Lopez[22], while the right of school officials to administer corporal punishment was upheld in Ingraham v. Wright.[23]

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[20] Tennessee Statutes, 49-254; enacted 1974.

[21] New Mexico Statutes, 77-8-2; enacted 1973.

[22] 419 U.S. 565, 1975.

[23] 430 U.S. 656, 1977.

Interpreting the education of children to be protected by the due process clause of the Fourteenth Amendment, the Supreme Court in Goss held that

> ... in connection with a suspension of 10 days or less ... the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story. The clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school.

The majority (5-4) opinion made reference to situations in which incidents are witnessed by the principal, again requiring at least minimal due process.

> Requiring that there be at least an informal give-and-take between student and disciplinarian, preferably prior to the suspension, will add little to the factfinding function where the disciplinarian has himself witnessed the conduct forming the basis for the charge. But things are not always as they seem to be, and the student will at least have the opportunity to characterize his conduct and put it in what he deems the proper context.

State statutes or administrative regulations generally provide for the suspension of students for misbehavior. Statutes do not generally specify the offenses which may be grounds for suspension, leaving such determination up to local boards of education.

The majority opinion in Ingraham held that the due process clause of the Fourteenth Amendment does not require notice and a hearing prior to the administration of corporal punishment by principals or teachers. The court reasoned that:

> In view of the low incidence of abuse, the openness of our schools, and the common law safeguards that already exist, the risk of error that may result in violation of a school child's substantive rights can only be regarded as minimal. Imposing additional administrative safeguards as a constitutional requirement might reduce that risk marginally, but would also entail a significant intrusion into an area of primary educational responsibility.

A recent survey[24] of state superintendents of education revealed that the administration of corporal punishment is not legally authorized in eight states (Alabama, Alaska, Arizona, Illinois, Massachusetts, Missouri, New Jersey, and Rhode Island). Principals and teachers are authorized to administer corporal punishment, generally in the presence of a witness, in the remaining states.

The accountability movement in education during the 1970s has affected the role of the principal. Public demands for improved schooling for their children and for greater accountability in the expenditure of dollars for education have resulted in a shift in decision-making power to the building principal. Often referred to as "school site management," such proposals call for giving greater powers to parents, teachers, and principals, while de-emphasizing the influence of district school boards, district superintendents, and central office staffs.

> Under school site management, school principals would supersede district superintendents as the most influential educational managers in American education. A principal would be accountable both to the school district for operating the school within state and district regulations, and to the PAC (Parent Advisory Council) for tailoring the school's program to the council's policies.25

In short, the principal is given greater control over the management of personnel, budget, and curriculum under school site management.

Although legislative actions have not established school site management per se, recently passed statutes or amendments delegate more authority

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[24]Tobyann Boonin, "The Benighted Status of U.S. School Corporal Punishment Practice," Phi Delta Kappan 60 (January 1979): 395-6.

[25]Garms, Walter I., James W. Guthrie, and Lawrence C. Pierce, School Finance: The Economics and Politics of Public Education, Englewood Cliffs: Prentice-Hall, Inc. 1978, p. 281.

to the building principal. Consistent with the philosophy of school site management, the legislative intent of the recently passed New York statute, presented in part in the section on "legal status," continues as follows:

> The principal is the educational and philosophical leader in the school community. It is the responsibility of the building principal to encourage and formulate school policy and innovative programs which reflect the desires and needs of the students and their parents. It is further the responsibility of the principal to oversee the placement of the individual students in appropriate planned academic programs which reflect the choices for the future that have been made by the student and his guardians.26

It appears that the intent of the legislature was to define the role of the principal in such a manner so as to place the burden of responsibility for ensuring that "appropriate" and "innovative" educational programs are planned on the principal rather than upon teachers or instructional support personnel. Moreover, the statute outlines powers and duties of the principal in relation to other personnel; the building principal:

(1) shall be the chief administrative officer of the school building under his supervision;
(2) shall enforce all provisions of law and all regulations relating to the educational activities in his building under the direction of the superintendent;
(3) shall oversee and evaluate teaching methods of the teachers on his staff. Teachers will be observed and evaluated by the building principal at least three times annually. Solely for the purpose of improvement of instruction;
(4) shall supervise and direct the enforcement and observance of courses of study, the examination and promotion of pupils, and other matters pertaining to libraries and all other educational activities in his building; and
(5) shall oversee but shall not routinely participate in administrative matters relating to discipline, building control, and business management. The responsibilities for such duties shall rest with the appropriate school officer under the principal's supervision. Such school officer shall consult with the principal concerning problems in the above areas.

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[26] AB 9868, 1978.

A recent Washington statute made similar provisions for responsibilities of the building principal. Again reflective of school site management, principals are given responsibilities for fiscal management; each principal shall:

> (3) Submit recommendations to the school district superintendent regarding fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.27

Although implicit in many of the statutes presented previously, the principal's responsbility in developing the building budget needs is explicitly stated in the Washington statute. It is not known if the intent of such a provision was to shift responsibility from the central office to the building level and to hold the principal accountable for ensuring that needs of students and teachers are met. It is evident, however, that the principal's role has been expanded through this legislative act.

Statutes defining duties and responsibilities of principals were enacted recently in Massachusetts (§71-59B, 1973), Minnesota (HF 1196, c. 37, 1974), Florida (§231.085, 1974), West Virginia (§18A-2-9, 1975), Iowa (§279.21, 1975), Louisiana (17:414.1, 1976), Washington (§28A.58, 1977), Wyoming (HB 193A, ch.77) and Arkansas (Act 255, 1977).

In general, such statutes (a) delineate the relationship between the principal and the superintendent and board of education (i.e., the principal is responsible to the superintendent and must perform such duties assigned by him in accordance with rules and regulations of the local school board); (b) place the principal in a leadership role in the assigned building

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[27] RCW, 28A.58, 1977.

(i.e., responsible for administration of the plant, supervision of personnel and pupils, and development of educational programs); (c) provide the principal with the power to make recommendations to the superintendent concerning the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school; and (d) give the principal responsibility for planning, managing, and evaluating the total educational program of the school.

Due Process Rights

Traditionally within the definition of "teacher" in most state statutes, principals have more recently been included with "management" for purposes of collective negotiations, contracts, and tenure. In supporting a changed status of principals in the state of Washington, the Association of Washington School Principals argued:

> For more than a decade the definition of the principalship has been a key topic of concern... Because the principal is often classified with and identified as 'teacher' in school codes there are virtually no distinctions in working conditions, responsibilities, rights, duties, and salaries between principals and teachers. This lack of distinction, or at best statutory ambiguity, is potentially dangerous in many circumstances.[28]

As in the case of teacher tenure, school principals are generally appointed for a probationary period (usually two to three years)[29] during which time dismissal or demotion can occur by a majority vote of the school board. Principals generally retain tenure as a teacher if they had been

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[28]Association for Washington School Principals, "Rationale for HB 880," undated. House Bill 880, outlining duties and responsibilities of principals, was approved June 15, 1977 (ch. 272).

[29]Principals in several states are limited by statute to 12-month terms (e.g., North Carolina, H 1097, GS 115, 1973).

promoted from within a given district; in addition, eighteen states provide for tenure as an administrator for principals.[30]

The recent New York State statute[31] referred to previously grants the local board of education, with the recommendation of the superintendent of schools, the power to appoint "principals, administrators, supervisors, and all other members of the supervising staff" for a probationary period of three years. Further, the "...service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education."

Once a principal has been continued beyond the probationary period, he/she cannot be removed without "just cause." A recent Massachusetts statute outlines causes for removal, including "inefficiency, incapacity, unbecoming conduct, insubordination or other good cause."[32] In addition to such provision for removal "for cause," an Illinois statute requires a "reasonable warning" prior to initiating the removal.

> Before service of notice of charge on account of causes that may be deemed to be remediable, the teacher or principal shall be given reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges.33

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[30]"Statutory Protection for Principals," A Legal Memorandum, NASSP, November 1976.

[31]New York State, AB9868, 1978.

[32]Massachusetts General Laws, Ch 71, §42A.

[33]Illinois Statutes, 122, §34-85, 1975.

Many state's statutes stipulate formal due process procedures to be followed in the dismissal or demotion of a principal during a contract year. An Iowa statute guarantees due process for both probationary (i.e., employed for less than two consecutive years) and non-probationary principals.[34] In addition to provisions for a written notice and hearing, this statute outlines procedures for appeals to the county district court. The court may reverse the decision:

> if substantial rights of the administrator have been prejudiced because the board action is:
>
> 1. In violation of constitutional or statutory provisions.
> 2. In excess of the statutory authority of the board.
> 3. In violation of board policy or rule.
> 4. Made upon unlawful procedure.
> 5. Affected by other error of law.
> 6. Is unsupported by substantial evidence in the record made before the board when that record is reviewed as a whole.
> 7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of discretion of clearly unwarranted exercise of discretion.

Legislatures in Montana[35], Oregon[36], Florida[37], Kentucky[38], Illinois[39], New York[40], North Dakota[41], Mississippi[42], and Indiana[43], also recently revised statutes concerning contract and due process rights of principals.

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[34] Iowa Statutes, §279:24, 279.25, 1976.

[35] Montana, SB105 (75-6112), enacted 1973.

[36] Oregon, HB 2132-SB 517, enacted 1973

[37] Florida Statutes §231.36, amended 1974.

[38] Kentucky Statutes, §161.765, enacted 1974.

[39] Illinois, 122, §10-23.8, §34-85, amended 1975.

[40] New York Statutes, §2509 and 3012, amended 1975.

[41] North Dakota, SB 2301 (15-29-08), enacted 1975.

[42] Mississippi, HB 633, ch. 489, 1977.

[43] Indiana, HB 1241, 1977.

Although often implying an evaluation process to determine the effectiveness of a school principal, few state statutes explicity provide for such evaluation. A Nevada statute[44] requires local boards to develop "an objective evaluation policy which may include self, student, administrative or peer evaluation" and to evaluate each administrator in writing at least once a year.

Kansas law provides for the evaluation of all certificated personnel of both public and nonpublic schools, "... to provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system of this state."[45] Each employee is evaluated at least twice a year during the first two years of employment; at least once a year during the third and fourth years; and at least once each three years thereafter. Similarly, a recent Louisiana statute[46] provides for programs for the evaluation of principals.

Recent litigation involving the dismissal of teachers for incompetency or inefficiency suggests that school boards should conduct such evaluations of principals, utilizing definite and objective standards. It is expected that more states will move to outline both evaluation procedures and due process rights of school principals.

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[44]Nevada Statutes, §391.3127, amended 1975.

[45]Kansas Statutes Annotated, 72-9001, 1973.

[46]Louisiana, H 26, Act 9, 1977.

Collective Bargaining Rights

The term "collective bargaining" is defined in Washington statute as "the performance of the mutual obligation" of representatives of the employer and employees "to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment ...."[47] Although administrative officials and other "managerial" personnel are generally excluded from collective bargaining with school boards for better work conditions, principals and supervisors have been permitted to bargain in combined units with teachers in some states or in separate units in other states, while being excluded from bargaining in still other states.[48] Such variations in provisions for bargaining rights of principals, and, if granted, for separate or combined units, again indicate the lack of consensus among states concerning the legal status of the principal.

Principals, excluded from collective bargaining in Florida through the 1974 statute[49] which clarified public employee bargaining rights, are

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[47] RCWA, 41.59.

[48] "The Muddle in the Middle," Department of Research and Information, Education Commission of the States, Ed Press Workshop, 1977. This study indicates that administrators (including supervisors and principals) are permitted by statute to bargain in twenty states. Thirteen of those states' statutes, however, stipulate that administrators must form separate bargaining units from those of teachers. Administrators are excluded from bargaining in ten states. The existence of statutes permitting bargaining for any certified personnel and the status of school principals with respect to bargaining statutes, if any, in the remaining twenty states were not reported in the study.

[49] Florida Statutes, §447.203 (4).

defined as "managerial" and "administrative" in the law.

> Administrative personnel comprises the superintendent, supervisors, principals, and those persons who may be employed as professional administrative assistants to the superintendent or to the principal ... A principal is the head of any school or school center having more than one teacher.50

The recently enacted Washington statute[51] provides an example of the attempt to clarify the bargaining rights of principals. The Educational Employment Relations Act became effective January 1, 1976,

> ... to prescribe certain rights and obligations of the educational employees of the school districts of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in education.

The determination of bargaining units is the responsibility of an education employment relations commission appointed by the governor. Supervisory and administrative employees may petition the Commission to establish separate bargaining units.

A recent publication of elementary and secondary principals' associations encourages their members to prepare to exercise bargaining rights, if granted, and outlines components to be considered when developing state collective bargaining legislation.

> Close attention should therefore be given in any proposed legislation to the sections on definitions, recognition, appropriate unit, and (if any) exclusions. It must be remembered that having the <u>right</u> is essential; whether to <u>exercise</u> it or not is a matter of choice and need.52

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[50] Florida Statutes, §228.041 (10).

[51] RCWA, 41.59.010.

[52] "Collective Bargaining Advisory," <u>NASSP-NAESP</u>, January 1977, p. 2.

Certification Requirements and Inservice Training

Legislatures generally grant state boards of education the authority to develop standards for certification of school personnel and the power to revoke certificates. New Mexico statutes, for example, provide that the state board shall

> determine the qualifications for and issue a certificate to any person teaching, assisting teachers, supervising an instructional program, counseling, providing special instructional services or administering in public schools according to law and according to a system of classification adopted and published by the state board; and suspend or revoke a certificate held by a certified school instructor or administrator according to law for incompetency, immorality or for any other good and just cause.53

More specific in its reasons for revocation and suspension, the Alaska statute providing for professional certificates was revised in 1976 to grant the Professional Teaching Practices Commission the power to revoke or suspend teachers' or administrators' certificates for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;
(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;
(3) substantial noncompliance with the school laws of the state or the regulations of the department; or
(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations.54

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[53] New Mexico Statutes, 77-2-2.

[54] Alaska Statutes, §14.20.030.

States have increasingly required principals and superintendents to undergo additional training beyond that required of a teacher, or to have minimal teaching experience prior to receiving administrative certification. Hawaii statutes require principals and acting principals to have served as a teacher for a period of not less than five years, one of which must have been served as a teacher or as an exchange principal in the schools of Hawaii.[55]

Additional inservice training for school principals beyond the minimal certification requirements, generally an option of local school boards, has been included in Nevada and Washington statutes. Nevada statutes stipulate that the superintendent of public instruction or a designated staff member shall convene conferences for both teachers and school administrators in "such places and at such times as he may designate."[56]

The In-Service Training Act of 1977 was passed in the state of Washington to "provide for the improvement of the instructional process in the public schools and maintain and improve the skills of public school certified and classified personnel ...."[57] The superintendent of public instruction was given the power to appropriate in-service training funds "... on such conditions and for such training programs as he deems to be in the best interest of the public school system."[58]

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[55]Hawaii Statutes, §297-7.

[56]Nevada Revised Statutes Annotated, §385.190, enacted 1973.

[57]RCWA, §28A.71.

[58]It was indicated through correspondence with the Senate Research Center, Washington, that no state funds have been appropriated for in-service training; the legislation was necessary to establish a mechanism for the distribution of federal funds.

Summary

Recent legal decisions and legislative actions have impacted the role of the principal in several ways. By mandating school officials to respect the constitutional rights of students and teachers, the courts have affected relationships among administrators, teachers and students. By recognizing the unique legal status of the building principal, legislatures have defined specific responsibilities and duties of principals. Moreover, litigation and legislation have placed demands on school boards to provide curricular specialists and other quasi-administrative personnel, thus further effecting the traditional role of the principal.

It appears that state legislatures have responded to demands from both the judiciary and from educators themselves to recognize the legal status of the principal and to stipulate duties and responsibilities to be performed. The courts have, for example, demanded boards to recognize due process rights of professional personnel; legislatures have responded by specifying necessary procedures. In addition, school officials at both the local and state level have demanded the specification of duties and responsibilities unique to the building principal, partially in response to the influx of administrative support personnel, and partially in response to increased teacher organization.

Duties and responsibilities of the principal are generally stated in state statutes as (1) to supervise the operation and management of facilities and personnel; (2) to provide leadership in the planning, operation, and evaluation of the educational program; (3) to submit recommendations to the superintendent regarding the appointment, promotion

and dismissal of personnel under his(her) supervision; and (4) to perform other duties assigned by the superintendent pursuant to policies of the local board of education. Clearly, such duties and responsibilities make the role of the principal distinct from those of the superintendent, teachers, and other support personnel.

Due process rights of professional personnel have been recognized by the courts and by many state legislatures. The intent of such statutes is clear; i.e., to satisfy the legal mandate to provide this constitutional right, and to satisfy demands of principals for such safeguards to protect them from unwarranted dismissal or demotion.

As teachers have been granted the right to bargain collectively in many states, so too have supervisors and principals. Principals, however, have not been included with teacher bargaining units in all states permitting bargaining due to their legal status. Rather, principals have often been defined as management and thus are excluded from bargaining in some states while being permitted to bargain in separate units in still other states. The intent of legislatures in such restrictions does not appear to be a response to legal decisions; rather, it appears that lawmakers are attempting to be consistent with the recognition of the uniqueness of the principal's role as different from that of "teacher," or with the traditional ban on bargaining and strikes by professional employees.

Certification requirements appear to have become more strict for principals in recent years. Although it has generally been left to departments of education to stipulate specific requirements, state statutes often stipulate causes for revocation and the minimum number of years of teaching experience necessary to obtain an administrative certificate. Recent

statutes indicate that future state statutes will stipulate both minimum requirements to receive a certificate and additional in-service training necessary to retain a certificate.

The role of the principal has indeed changed in the past decade in response to judicial decisions and legislative mandates. Hopefully, demands from the courts and legislatures have resulted in positive changes in the role of the principal, which have in turn affected positive changes in relationships among administrators, teachers, parents, and students.